

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

ORDER

vs.

19-mj-647 - /MJP

JOHN LOONEY,

Defendant(s).

As required by the Due Process Protections Act [Pub. L. 116–182, 134 Stat. 894] and Fed. R. Crim. P. 5(f)(1), the Court confirms the United States' obligations to produce all exculpatory evidence to the defendant pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, and orders it do so. The government must make these “disclosures in sufficient time that the defendant will have reasonable opportunity to act upon the information efficaciously.” *United States v. Rodriguez*, 496 F.3d 221, 226 (2d Cir. 2007); *Leka v. Portuondo*, 257 F.3d 89, 98 (2d Cir. 2001); *United States v. Coppa*, 267 F.3d 132 (2d Cir. 2001). Failure to do so may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, or sanctions by the Court.

SO ORDERED.

Dated: March 9, 2021
Rochester, New York



MARK W. PEDERSEN
United States Magistrate Judge